United Nations S/2008/433

Security Council

Distr.: General
3 July 2008

Original: English

Twenty-sixth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1794 (2007), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 December 2008 and requested me to report regularly on major developments in the Democratic Republic of the Congo. The present report covers the period since my last report of 2 April (S/2008/218), from 25 March to 20 June.

II. Security situation

2. The overall security situation in the Democratic Republic of the Congo has remained tenuous. In North Kivu, there was a reduction in the number of ceasefire violations documented by MONUC. However, there was also a perceptible increase in the number of attacks against civilian targets, including non-governmental organizations and United Nations agencies, funds and programmes. On 4 June, an attack by the Forces Démocratiques de Liberation du Rwanda (FDLR) on internally displaced persons in Kinyandoni resulted in 3 deaths and 20 injured. In addition, FDLR and the coalition des Patriotes résistants congolais (PARECO) continued to attack Forces armées de la République démocratique du Congo (FARDC) positions near Lake Edward in the Northern Rutshuru area. Other security incidents were reportedly linked to efforts by armed groups to extend areas under their control before disengagement. The Congrès national pour la défense du peuple (CNDP) has allegedly continued recruitment and training of combatants, while the prospects of reintegration benefits appears to have resuscitated or prompted the emergence of little known or insignificant groups, who have stepped up recruitment. In Goma, violent attacks on individuals, armed robberies and assassinations have increased since March.

3. Insecurity in South Kivu increased, notably in outlying territories, and armed robberies of international non-governmental organizations and transport vehicles took place during the reporting period. The Mission's increased patrols and escorts for humanitarian actors and non-governmental organizations have helped to stem the increase in armed attacks. However, the re-recruitment of demobilized

08-40327 (E) 070708

ex-combatants and other elements by armed groups continues to contribute to instability. The FDLR still represents the main cause of insecurity for populations in Kabare and Walungu territories. There are continued signs of association between Mayi Mayi and FDLR in South Kivu. Reports have also been received regarding continuing reorganization and recruitment of the Forces Républicaines Fédéralistes (FRF) in the High Plateaux.

4. Elsewhere in the East, attacks by the Lord's Resistance Army (LRA) on local populations have increased in and around the Garamba Park area as well as along the Democratic Republic of the Congo — Southern Sudan — Central African Republic border areas, where the population has been subjected to looting, rape and abduction. Seasonal cross-border movement of M'Bororo into the Democratic Republic of the Congo, and the increasingly aggressive posture of these tribes, has further strained relations with local populations in Orientale Province. As noted in my previous report, militias no longer present a serious threat to stability in Ituri, where the fifth anniversary of the pacification of the territory was commemorated in a Government ceremony on 21 May 2008. However, the presence of over 6,000 non-reintegrated combatants in the region is a source of concern and efforts are under way to reintegrate these elements.

5. In Bas Congo, the security situation has improved since the violent clashes between the national police and Bundu Dia Kongo (BDK) members in February and March. No new violence has been reported since April and some BDK members are reportedly returning to their homes. However, underlying tensions remain. MONUC has encouraged the resumption of dialogue between leaders from the province and the authorities, while also reiterating the unequivocal support of the United Nations for the territorial integrity of the Democratic Republic of the Congo and the rule of law. In the meantime, MONUC is maintaining a limited military deployment, including four military observer team sites, and a formed police unit presence in the province.

6. Large-scale hostilities resumed last April between the Burundian National Defence Forces and Palipehutu-Forces nationales de liberation (FNL) in Burundi, raising concerns of a possible spill-over effect into South Kivu, especially in the light of unconfirmed reports of collaboration between FNL and FDLR. As indicated in my report of 15 May 2008 (S/2008/330) on the situation in Burundi, MONUC and the United Nations Integrated Office in Burundi are jointly monitoring the situation and have conducted contingency planning to respond to any potential major deterioration of the security situation in Burundi.

7. The security situation with respect to United Nations staff members was generally calm despite demonstrations organized in Kinshasa and Equateur following the arrest of Senator Bemba. Several other incidents including a surge of armed robberies in Kinshasa, as well as civil servant strikes and low-intensity demonstrations countrywide, did not significantly affect United Nations staff security in the mission area. However, local United Nations staff members continue to be victims of harassment and arrests by local security forces throughout the Democratic Republic of the Congo.

III. Implementation of the Goma and Nairobi processes

Goma process

8. At the end of the Goma Conference in late January 2008, several commissions, including the mixed technical commission on peace and security, were set up under the Amani programme established by the Presidency of the Democratic Republic of the Congo as the comprehensive framework for the follow-up of the *Actes d'engagement* reached at the Conference. The Commission was inaugurated in Goma on 3 April by the Minister of State for the Interior in the presence of my Special Representative and representatives of the International Facilitation. Co-chaired by the Government and MONUC, the Commission focused initially on procedural issues, adopting a calendar setting out its objectives and agreeing on its provincial structures.

9. The Amani programme has also launched a comprehensive sensitization campaign to inform combatants and civilian populations about the *Actes d'engagement* and the Amani programme, as well as to prepare armed elements for the *brassage* or disarmament, demobilization and reintegration phases of the process. The campaign is under way, but its effectiveness remains to be determined, as many of those involved in the sensitization effort have claimed financial constraints and difficulties in travelling beyond the outlying areas of Goma and Bukavu.

10. The Commission's calendar stipulates that all armed group members should be ready to begin *brassage* or undergo disarmament, demobilization and reintegration by 4 July. However, important issues remain to be resolved and practical arrangements need to be put in place in order for these processes to begin. Armed groups, in particular the CNDP, have insisted that *brassage* of their forces take place in the Kivus, while the Government has maintained that *brassage* and integration of former combatants should be carried out at *brassage* centres outside the two provinces. The military subcommission of the mixed technical commission on peace and security is yet to be convened, pending resolution of differences between the Government and CNDP on this and other issues.

11. Until recent weeks, constructive discussions continued in the presence of MONUC and the International Facilitation. The mixed technical commission on peace and security Subcommission on Humanitarian and Social Affairs has begun its work, focusing on developing a workplan aimed at alleviating the dire security and living conditions of the civilian population. However, the CNDP has intermittently suspended its participation in the Commission, while the FRF has boycotted the proceedings. Recent discussions have not succeeded in reconciling divergent views or achieving agreement on the way forward.

12. Funding represents a challenge for the Commission and the Amani programme as a whole. Much of the cost of the first three months of operation has been covered by donors who contributed to the Goma Conference. European Union member States have agreed to provide additional funding and other donors are also expected to contribute. However, adoption of the Programme's budget has been delayed and the Government has yet to allocate resources to support the architecture for sustaining the Goma process.

Nairobi process

13. Some encouraging progress has been made in the implementation of the Nairobi communiqué. In line with its commitments, the Government of the Democratic Republic of the Congo has adopted a multidimensional approach to encourage the disarmament, demobilization, repatriation, resettlement and reintegration or relocation of FDLR elements away from the Democratic Republic of the Congo-Rwanda border area. This approach combines direct dialogue with certain ex-FAR/Interahamwe leaders, including leaders of the Rassemblement Uni pour la Démocratie-Unana (RUD-Unana), with other sensitization efforts and increased military pressure.

14. The joint monitoring group, established further to the Nairobi communiqué at the envoys and task force levels, continued to assist the Parties in implementing the communiqué. Meetings to review progress at the envoy level were held in New York on 18 April and in Rubavu, Rwanda, on 4 June. At the April meeting, the joint monitoring group commended the Government of the Democratic Republic of the Congo for the progress made in mounting the sensitization campaign directed at the FDLR in the Kivus, but noted that additional efforts were needed to ensure that those initiatives also targeted Congolese nationals associated with the Rwandan armed groups. At the June meeting, joint monitoring group members discussed the need for the international community to increase pressure on the leadership of the Rwandan armed groups based in Europe and North America. The joint monitoring group task force continued to meet weekly in Goma, and its members have undertaken field visits to witness progress made in the deployment of FARDC troops in key positions for possible operations against the FDLR.

15. Following a series of meetings facilitated by the Sant'Egidio Community between Congolese officials and leaders of FDLR factions, agreement was reached to convene a Conference in Kisangani between the Government of the Democratic Republic of the Congo and leaders of the RUD faction of FDLR and Rassemblement Populaire Rwandais (RPR). The Government convened the Conference on 26 May. Some 200 participants attended, including senior Congolese officials, representatives of the FDLR-RUD and the RPR, and the international community. The discussions secured agreement on a road map in which the FDLR-RUD and the RPR recognized the Nairobi communiqué as an appropriate framework for the peaceful repatriation of their combatants and confirmed their commitment to voluntary disarmament, repatriation or relocation under security guarantees from the Government of the Democratic Republic of the Congo and the international community. The FDLR-FOCA (Forces combattantes abacunguzi), reportedly under the control of radical, Europe-based leaders such as Callixte Mbarushimana and Ignace Murwanashyaka, rejected both the Kisangani Conference and the road map.

16. Shortly following the Conference in Kisangani, representatives of the Government, FDLR-RUD and RPR elaborated implementation modalities for the road map, including assembly centres and the identification of concentration zones for combatants and their dependants in North Kivu. However, while the Government agreed to provide information on relocation sites, it has faced difficulties due to resistance from the provinces to the temporary resettlement of FDLR elements.

17. The Government of the Democratic Republic of the Congo estimates that approximately 400 FDLR elements from the RUD faction may agree to disarm

under the terms of the road map, and that some 3,000 persons, including dependants, would need to be relocated or repatriated. The Government has requested MONUC support for preparing reception and relocation sites, and in planning for the disarmament process. Technical working groups have been formed involving the Government of the Democratic Republic of the Congo, MONUC, the Multi-Country Demobilization and Reintegration Programme and FDLR.

18. In accordance with the Nairobi communiqué, FARDC has continued joint planning with MONUC and has taken steps to increase military pressure against the FDLR. In this regard, Major General Lukama has been designated to oversee FARDC operations from Goma and eight designated FARDC battalions have been deployed into four defined sectors in North and South Kivu that correspond to the organizational structure of FDLR.

Regional developments

19. The Pact on Security, Stability and Development in the Great Lakes Region, to which the Democratic Republic of the Congo is a party, entered into force on 21 June 2008. The second Regional Inter-Ministerial Committee Meeting of the International Conference on the Great Lakes Region was held in Brazzaville, on 21 and 22 May. The Ministers commended the Government of the Democratic Republic of the Congo for its efforts to implement the Nairobi communiqué and called upon the ex-FAR/Interahamwe to seize the opportunity to voluntarily disarm and return to Rwanda.

20. Relations between the Democratic Republic of the Congo and Uganda continue to improve. The Joint Permanent Commission established by the two countries in accordance with the Ngurdoto Accord has met regularly. At a meeting in Dar-es-Salaam on 11 May, Presidents Kabila and Museveni agreed to maintain the status quo along their common border, while the Joint Border Remarking Committee carried out its work. They also agreed to consider elevating their diplomatic representation to the ambassadorial level, and renewed their determination to end the threat posed by the Allied Democratic Forces and the National Army for the Liberation of Uganda (ADF/NALU).

21. Following those and subsequent discussions, as well as a meeting of the Chiefs-of-Staff from the Democratic Republic of the Congo, Uganda, and Southern Sudan in Kampala on 2 June, the Democratic Republic of the Congo indicated its intention to conduct military operations against the LRA. On 30 May, MONUC and FARDC signed a joint directive for operations against the LRA which focuses on protecting civilians, containing the LRA and facilitating the voluntary disarmament, demobilization, repatriation, resettlement and reintegration of LRA elements. The plan includes movement of an initial FARDC Infantry Battalion to Haut Uélé in Orientale Province and establishment of a joint MONUC-FARDC tactical command post in Dungu. Deployment of two additional FARDC battalions is expected to follow. However, the Mission's ability to support operations of this kind at its present force strength is limited.

IV. Support to the Goma and Nairobi processes

United Nations support strategy for security and stabilization of the eastern Democratic Republic of the Congo

22. Stabilization of sensitive areas, particularly in the eastern Democratic Republic of the Congo, is the first of the overarching benchmarks presented in my twenty-fourth report, dated 14 November 2007 (S/2007/671) and endorsed by the Security Council. This benchmark is directly linked to three others, namely, elimination of the threat of armed groups; extension of State authority, and security sector reform. As outlined in my previous report, MONUC and the United Nations country team have developed a support strategy for security and stabilization of the east. The strategy aims at mutually-supporting actions in four domains: political and diplomatic; security and military; extension of State authority to areas formerly controlled by armed groups; and return and reintegration of internally displaced persons and refugees. The first elements of the strategy are being implemented, with roll-out projected to continue into early 2009.

Political/diplomatic component

23. With respect to the political/diplomatic component of the strategy, the Mission's initial focus has been to support Congolese follow-up to the Goma conference. My Special Representative, with the MONUC civilian and military personnel, has joined representatives of the International Facilitation in providing timely political and technical support to the mixed technical commission on peace and security and the Amani programme, which has helped to maintain the engagement of the signatories to the *Actes d'engagement*. The Commission has also sought to be regularly informed on progress in the Nairobi process, and has undertaken to verify disarmament and repatriation operations related to foreign armed groups. MONUC has also facilitated further dialogue among women's organizations as part of the follow-up to the Kivus Conference in an effort to enhance the role of women in the peace process.

24. MONUC has actively supported the implementation of commitments arising from the Nairobi communiqué, providing significant political, operational and logistical support to joint monitoring group activities at the envoy and task force levels. At the request of the Government of the Democratic Republic of the Congo, MONUC provided logistical support for the Kisangani Conference and is participating in follow-up efforts aimed at the voluntary disarmament and relocation or repatriation of FDLR elements. The MONUC Force Commander also continues to facilitate periodic meetings between the Army Chiefs of Staff of the Democratic Republic of the Congo and Rwanda.

State authority and return and reintegration components

25. Preparatory work intensified during the reporting period for actions by the Government, MONUC and the international partners of the Democratic Republic of the Congo to support extension of State authority in the east and eventual return and reintegration. The first phase of a comprehensive mapping of needs, risks and

existing efforts in priority corridors has been completed in North Kivu and is nearing completion in Ituri, South Kivu, Maniema and northern Katanga. Indicators to help monitor concrete progress are being developed. Integrated mission planning teams (including MONUC and members of the United Nations country team) in all five operational areas will coordinate further operational activities.

26. Deployment of civilian police in the east is central to the extension of State authority. Planning has accelerated for the deployment of officers of the National Congolese Police to areas formerly under the control of armed groups. MONUC has increased its police presence in the east from 94 to 125 officers, 12 of which will focus on training 2,600 National Congolese Police elements for deployment in the east.

Security component

27. Significant actions have been taken towards implementation of the military/security component of the security and stabilization strategy. The MONUC North Kivu Brigade has almost tripled the number of mobile operating bases from 13 prior to the ceasefire, to 37. The South Kivu Brigade more than doubled the number of mobile operating bases from 5 to 11, enabling the Mission to increase patrolling and monitoring of the ceasefire. 496 violations have been reported since the ceasefire entered into force, of which MONUC has confirmed 189 as violations, and 54 as non-violations. The remainder are still under investigation. MONUC has also brokered local "pull-back" zones in key areas of friction in order to promote the disengagement of armed groups, reduce violent incidents and violations, and reinforce the mixed technical commission on peace and security.

28. As indicated in paragraph 18, MONUC and FARDC developed a joint operational plan aimed at progressively increasing military pressure on FDLR in areas where it controls commercial activities and the illegal exploitation of natural resources. Eight FARDC battalions have been deployed in four operational "triangles" in the Kivus, with mentoring and logistical support provided by MONUC. The first phase of military action seeks to increase State authority by progressively reducing the FDLR's control over major routes and sites of economic activity. Once the FARDC can generate additional forces, these triangles are expected to expand and the intensity of operations is expected to increase, concurrently with political action and expanded disarmament, demobilization, repatriation, resettlement and reintegration. A joint MONUC-FARDC operational directive provides a detailed outline for coordination of operations against the FDLR. It commits the Democratic Republic of the Congo to designating an overall FARDC Commander for the region, provides for the exchange of liaison officers, and for joint staff actions and planning. The operational directive also sets out the logistical support that MONUC is to provide to FARDC in jointly planned operations.

29. Military pressure on the FDLR complements revitalized efforts to encourage the voluntary disarmament, demobilization, repatriation, resettlement and reintegration of FDLR elements. MONUC's stepped-up disarmament, demobilization, repatriation, resettlement and reintegration activities focus on supporting sensitization carried out by the Government of the Democratic Republic of the Congo, which has resulted in a perceptible increase in contacts with mid-level

FDLR commanders. Since November 2007, a total of 562 Rwandan ex-combatants and dependants have been repatriated. As described above, MONUC is actively engaged in the technical discussions on follow-up to the Kisangani Conference.

30. MONUC has also supported Government efforts during the reporting period to encourage FDLR leaders in Europe to agree to disarmament, demobilization, repatriation, resettlement and reintegration. This appears to have yielded some progress with respect to the group's RUD/Urunana faction. However, extremist FDLR leaders continue to resist peaceful resolution of the problem posed by the FDLR's continued presence in the Democratic Republic of the Congo. Increased pressure is likely to result in increased threats to or reprisals against civilian populations, such as the FDLR attack on internally displaced persons in Kinyandonyi on 4 June. MONUC endeavours to mitigate such threats through its presence in vulnerable areas, while FARDC conducts active counter-patrolling and increased security operations. However, FARDC's operational capacity to prevent or respond to such attacks remains severely limited.

V. Deployment and military posture of the Mission

31. In accordance with Security Council resolution 1794 (2007), MONUC has placed the highest priority on the crisis in the Kivus, with particular emphasis on protecting civilians, while supporting the Nairobi and Goma processes. The required complex tasks have placed significant strain on MONUC's military. As noted in my previous report, I have kept the situation under close review, with a view to making recommendations to ensure that the Mission's civilian and military deployments correspond to its mandated tasks.

32. At the request of the Under-Secretary-General for Peacekeeping, General Maurice Baril (retd.), accompanied by a small team from the Department of Peacekeeping Operations and the Department of Field Support, undertook a military evaluation mission of MONUC from 19 to 29 April. General Baril's terms of reference focused on reviewing the strategy and capacity of the MONUC military component to support the implementation of the Nairobi communiqué and the *Actes d'engagement*, including MONUC support to and joint operations with the FARDC. After careful consideration of General Baril's mission report, several measures are being undertaken to strengthen the Mission's military mandate implementation.

Command and control

33. In my third special report on MONUC (S/2004/650) dated 16 August 2004, I proposed a reconfiguration of the Mission's military structure, which was approved by the Security Council in resolution 1565 (2004). This reconfiguration included deployment of additional forces in the East (to Ituri, North and South Kivu, and Katanga/Kasais) to address the threat posed by the continued presence of armed groups in those areas. In order to ensure the effective command and integration of these efforts, a Division Headquarters was established in Kisangani.

34. The April 2008 Baril mission concluded that the Division Headquarters in Kisangani no longer provided an optimal command and control structure for the Force, particularly with respect to the Mission's military action to support the

Nairobi and Goma processes in the Kivus. In the light of that finding, the current Division Headquarters will be reconfigured to establish a forward Force headquarters in Goma, as operational demands in the Kivus represent the Force's main effort. The main Force headquarters will continue to function in Kinshasa. Military staff officer requirements in each location will be reviewed in order to ensure the optimal number of staff positions and functions in each location.

Use of force

35. My third special report also outlined in paragraphs 75 (b), (c), (d) and (e) an active and robust role for MONUC in supporting FARDC operations targeting armed groups, including: cordon and search operations; establishment of weapons-free zones; and deterrence and prevention of reprisal attacks. The MONUC mandate with regard to the use of force on that basis was reiterated and confirmed in Security Council resolution 1756 (2007).

36. The Baril mission reviewed MONUC support for FARDC and the posture of the Force with regard to protection of civilians and deterrence of threats by armed groups through a variety of measures, including the use of force. It concluded that the Force's robust Rules of Engagement and the measures outlined in my third special report remained fully applicable to the current situation. The Baril mission also acknowledged that, to fulfil its mandate, MONUC required a high degree of mobility and flexibility on the part of its contingents. A willingness to use appropriate force in accordance with the Rules of Engagement, was also required, both to protect civilians and to support the Nairobi and Goma processes, including through joint military operations with the FARDC.

Operational support and training for the Forces armées de la République démocratique du Congo

37. I have reported to the Council on several occasions (nineteenth report dated 26 September 2005 (S/2005/603), twentieth report dated 28 December 2005 (S/2005/832), twenty-second report dated 21 September 2006 (S/2006/759), twenty-third report dated 20 March 2007 (S/2007/156) and twenty-fourth report dated 14 November 2007 (S/2007/671)) that the FARDC lack of capacity to effectively plan, coordinate and logistically support its operations constitute a major impediment to the stabilization of the eastern Democratic Republic of the Congo, and to the eventual drawdown of MONUC. The Baril mission addressed the issue of MONUC support to and joint operations with FARDC, as mandated by Security Council resolutions 1756 (2007) and 1794 (2007).

38. The limited operational capacity and lack of discipline of Forces armées de la République démocratique du Congo is a major concern to MONUC contingents deployed in support of FARDC operations. Building FARDC capacity is essential to conducting such operations, and to achieve conditions for the eventual MONUC drawdown. The Mission's ongoing main training project has trained 10 FARDC integrated battalions to date. An additional 12 battalions are expected to be trained by the main training project by mid-2009, depending on the movement of ex-combatants through *brassage* and their arrival at the training sites. However, the MONUC main training project provides only basic, short-term training to integrated

units deployed to the eastern Democratic Republic of the Congo and does not address fundamental structural and doctrinal issues that affect the overall capacity of FARDC. These relate to a need to restructure and improve the command and control of FARDC, while strengthening morale and discipline.

39. In the light of its experience with the main training project and the Baril mission's conclusions, MONUC is developing a concept of operations for an enhanced training programme for FARDC, including timelines for implementation and estimated costs. It is expected that the number of MONUC training task forces will have to be increased from five to nine. While this can be achieved within current force levels and capacity, enhanced training will require additional logistics support and assured funding. Capacity-building of FARDC units will need to go beyond the main training project to include mentoring of FARDC units during operations. As such, MONUC military units will be expected to provide mentoring to FARDC in theatre, down to company level, including during combat operations. MONUC will need to take the measures necessary to minimize additional risks associated with such deployments. In addition, it is expected that MONUC will be called upon to play an enhanced training role in the next phase of the integration of armed groups into the FARDC as a result of the Goma peace process. The training provided by MONUC will not be a substitute for the longer-term effort required through bilateral support.

Operational requirements

40. Effective implementation of the MONUC military mandate requires the capacity for rapid response over a vast area. The concentration of efforts in the Kivus has had major implications on the MONUC resource base, particularly in air operations, ground transportation and sustainment of MONUC and FARDC elements, and the provision of fuel. The decline in the value of the United States dollar and the rise in the cost of fuel and other essential supply prices have further strained the Mission's already overstretched operational capacity. The Goma and Nairobi processes are generating additional demands on MONUC resources, as well as a need for new or additional capabilities which have resource implications. Similarly, changes in the security environment in other regions of the Democratic Republic of the Congo may also require adjustments to the Mission's resources. I shall closely monitor developments and will inform the Council and, as appropriate, the General Assembly, of adjustments which may be required in the Mission's mandate or its resources.

VI. Implementation of the Mission's mandate

Security sector reform

41. In the field of security sector reform, following the presentation by the Minister for Defence of the master plan for army reform (*Plan directeur de la réforme de l'armée*) at the security sector reform round table held on 25 and 26 February, on which I reported in my previous report, the Democratic Republic of the Congo has reached agreement with Belgium and South Africa for assistance in the formation of a Congolese rapid reaction force, which is expected to form the

nucleus of a reformed Congolese army. Training by South Africa is already under way for the first rapid reaction force brigade in Mura in Katanga.

42. Discussions between the Government of the Democratic Republic of the Congo, my Special Representative and other international partners have resulted in a growing recognition of the linkages between the peace processes in the eastern Democratic Republic of the Congo and security sector reform, including the establishment of the rapid reaction force. In a promising development, the Democratic Republic of the Congo's Ministry of Defence and military staff are actively engaged in a multi-track planning process which may help overcome bottlenecks and create synergies between security sector reform, the Amani programme and the Nairobi process.

Disarmament, demobilization and reintegration

43. During the reporting period, agreement was reached to restart the national disarmament, demobilization and reintegration programme, which had been suspended since September 2006 in the light of the World Bank's concerns over the mismanagement of Multi-Donor Trust Fund funds under the former national programme, CONADER. On 22 April, the World Bank approved additional funding of $50 million to assist the Government to complete the objectives of the programme. This funding is in addition to a grant of $22 million from the African Development Bank for reintegration activities. The Government will be required to put in place a number of "effectiveness formalities" in order for the World Bank to disburse the additional funds. However, a project preparation fund of $4 million has been approved in order to jump-start progress on demobilization.

44. The Government of the Democratic Republic of the Congo estimates that this last phase of disarmament, demobilization and reintegration will involve a total of 130,207 combatants. This includes some 79,103 FARDC combatants, plus the estimated number of combatants in armed groups that signed the *Actes d'engagement*, as determined through a mapping exercise by the Government and international partners in April. However, this number is expected to decrease considerably once eligibility criteria have been factored in. On 29 May, the World Bank and the Government agreed on a road map that envisaged the launch of the national disarmament, demobilization and reintegration programme in June using the project preparation fund, followed by the launch of the entire programme in July.

Rule of law

45. MONUC continues to facilitate the efforts of the Secretariat of the *Conseil Supérieur de la Magistrature* to conduct an inventory of human and material resources in courts throughout the country. The results of the inventory will be used to increase the capacity and independence of the judiciary, including through the recruitment and deployment of magistrates. With respect to prisons, MONUC's technical assistance to the Ministerial Committee on Reform of the Penitentiary System will be intensified with a focus on the Prison Reform Package and training.

46. To strengthen military justice and the fight against impunity, MONUC continued to support a number of initiatives including: training for military

magistrates and investigators in the investigation of sexual crimes; funding for a military prison; training of the FARDC in legal obligations of military personnel with regard to sexual and gender-based crimes; and training of military justice personnel, including prison staff. MONUC and the Ministry of Defense are developing the means to improve understanding and application of international humanitarian law and international criminal law by FARDC military magistrates in the eastern Democratic Republic of the Congo.

Local elections

47. Since my last report, Congolese electoral authorities have decided to update the electoral register to take into account internally displaced persons and refugee returns and those who have reached voting age since the 2006 elections. Without this revision, several million citizens of the Democratic Republic of the Congo would be deprived of their right to vote. However, this decision necessarily delays the local elections until mid-2009. The President of the Independent Electoral Commission, Abbé Malu Malu is currently consulting with the Government, Parliament, political parties, civil society and international partners regarding the organization of the local elections. His consultations are expected to result in the announcement of a revised calendar. The Government and Parliament have committed to accelerating the process to adopt essential laws relating to the creation of the Independent National Electoral Commission, the Independent Electoral Commission's successor body; decentralization; the distribution of seats; and electoral constituencies. MONUC has stepped up activities to assist in the preparation and conduct of local elections as mandated by the Council in resolution 1797 (2008).

VII. Humanitarian situation

48. Although clashes between the armed groups have diminished, ongoing skirmishes continued to deter internally displaced persons from returning, and military deployments against FDLR have caused additional displacements in North Kivu. As a result, the number of internally displaced persons in North Kivu has increased to 857,000. Internally displaced persons have also spilled over into South Kivu, bringing the total to 348,000. Overall humanitarian access in both Kivus has increased, allowing isolated pockets of vulnerable populations to be reached, along with previously unknown internally displaced person groups. Nevertheless, malnutrition rates rose significantly in some areas of North Kivu and the World Food Programme faced drastic reductions in its pipeline due to the global increase in food prices.

49. The humanitarian situation continued to improve elsewhere in the Democratic Republic of the Congo. Katanga no longer hosts internally displaced persons needing humanitarian assistance and Congolese refugees have continued to return from the United Republic of Tanzania. In Ituri, the internally displaced persons population has been halved, as returns have increased in recent months.

50. Funding requirements for the Humanitarian Action Plan increased by 28 per cent from $575 million to $736 million, following its mid-year review. The increase in requirements is primarily due to new nutrition emergencies; the rise of food and

transport prices; and larger-than-expected outbreaks of cholera and water-borne disease. Committed funding for the Humanitarian Action Plan totalled $260 million as of 15 June, with an additional $77.5 million in pledges.

VIII. Institutional reform and economic recovery

51. Despite lack of capacity and difficult economic conditions, progress towards institutional reform and economic recovery in the Democratic Republic of the Congo has continued. President Kabila has stated his intention to convene a round table to review progress and identify obstacles to achieving the Government's principal development goals. Of nine structural reforms in the economic/fiscal area required to reach the Heavily Indebted Poor Countries (HIPC) completion point, seven have been put in place. Progress has been made in regularizing the salaries of civil servants and public employees. In addition, in line with the Paris Declaration on Aid Effectiveness, and with the assistance of MONUC, the Minister of Planning officially launched in May a preparatory working group consisting of representatives from 44 mainstream civil society organizations, donors and other international partners. The group will facilitate consultations at the provincial and national levels on aid effectiveness and public administration.

52. Parliament continues to evolve as a key constitutional body, increasingly exercising its Government oversight functions through investigative commissions and questioning of ministers. During its regular session, between 15 March and 15 June, Parliament adopted several laws, including on the public financing of political parties and on the reform of public enterprises. In order to accelerate action on key pending laws, Parliament began a 30-day extraordinary session on 16 June. The Parliament's immediate legislative priorities include the adoption of the law on the National Electoral Commission; the Amnesty Law for North and South Kivu envisaged in the *Actes d'engagement*; and the final adoption of the three decentralization laws.

53. Senator Jean-Pierre Bemba has remained outside the Democratic Republic of the Congo since his departure in April 2007, following violent clashes in Kinshasa between his personal protection force (DPP) and Government security forces. On 24 May, the Belgian authorities arrested Senator Bemba, executing a warrant issued under seal by the International Criminal Court on 23 May. The warrant was issued following an International Criminal Court investigation into events that took place in the Central African Republic between October 2002 and March 2003, when the *Mouvement de Libération du Congo* (MLC), led by Mr. Bemba, intervened militarily to support former Central African Republic President Ange-Felix Patassé. The International Criminal Court has indicted Mr. Bemba on five counts of war crimes and three counts of crimes against humanity in Central African Republic territory. Senator Bemba remains in the custody of the Belgian authorities, pending his expected transfer to The Hague.

54. The arrest of Senator Bemba coincided with a debate among opposition parties regarding the selection of the opposition's spokesperson, in accordance with the Law on the Status of the Opposition. On 24 May, the MLC political bureau issued a communiqué deploring the "politicization of the judicial procedure initiated by the ICC Prosecutor". On 25 May the Government of the Democratic Republic of the Congo issued a communiqué taking note of Senator Bemba's arrest, but made no

further comment. In Equateur, Bemba's home province, some 3,000 MLC supporters demonstrated on 26 May in Mbandaka to protest the arrest, causing minor damage to the MONUC office. On 28 May, some 1,000 MLC supporters staged a peaceful demonstration in Kinshasa calling for Senator Bemba's release.

55. Provincial Government institutions continue to develop and some provincial political disputes have been settled during the reporting period. Some financial and logistical problems initially faced by provincial deputies, such as lack of accommodation, office space and other resources, have also begun to be addressed. However, new allegations of corruption and embezzlement of public funds against members of provincial governments and assemblies have emerged, hampering the work of governmental structures in Maniema, Kinshasa, Equateur and South Kivu.

56. In an effort to improve government efficiency and coordination at the local level, MONUC facilitated the creation of a Provincial Development Committee in Katanga in January, bringing together local authorities, civil society actors and the private sector. Lessons learned from Katanga's experience were shared at the national meeting of Provincial Planning Ministers in March, and three more committees were established in Bandunu, Maniema and Province Orientale. Others are being set up in Equateur, Kasai Occidental and Kasai Oriental.

57. However, important challenges remain to be addressed. Little headway has been made in implementing the Government Programme for 2007-2011, which included the "Governance Contract" that envisaged reforms in a number of key areas. Public criticism has also increased regarding the lack of progress in the President's "*Cinq Chantiers*" of health, education, water and electricity, infrastructure and employment. Despite the establishment of a national Commission on the Review of Mining Contracts in April 2007, the distribution and management of mining concessions are still characterized by a lack of transparency. Discontent has been compounded by signs of deterioration in the economy, and by a sharp rise in the cost of living that is increasingly affecting urban populations.

IX. Human rights

58. The human rights situation in the Democratic Republic of the Congo during the reporting period continued to be a cause for grave concern. Arbitrary executions, torture, cruel, inhuman and degrading treatment, sexual violence, interference in the administration of justice, as well as intimidation and threats against human rights defenders continues to impede progress in this area.

59. The results of the MONUC investigation into events in Bas-Congo are of particular concern. As I indicated in my previous report, MONUC dispatched a multidisciplinary team to Bas-Congo to investigate the events of February-March, including allegations of human rights violations and the disproportionate use of force by the National Congolese Police. The team's report concluded that at least 100 people had been killed further to the clashes, in stark contrast to the official death toll of 27 fatalities. The report indicated that the victims were mainly BDK members, although some civilians also lost their lives as a result of violence perpetrated by BDK adherents. Two policemen had also been killed.

60. The report indicated that the high death toll resulted, in large part, from unwarranted or excessive use of force by National Congolese Police, and in some

cases from arbitrary executions. The National Congolese Police was also found to be responsible for the systematic destruction of over 200 buildings (BDK temples and residences belonging to BDK and non-BDK alike) in numerous villages in Bas-Congo and the widespread looting of private houses. The discovery of freshly dug graves, along with concordant witness testimony, confirmed the existence of mass graves of persons killed during operations against BDK. The investigation team's report was shared with the Government, which rejected its conclusions and intends to launch its own judiciary investigation into the events. MONUC made the report public on 13 June. The Mission has repeatedly expressed concern regarding the violent BDK tactics in the February-March events, and regarding the disproportionate use of force by the authorities.

61. Turning to the East, the human rights situation in North Kivu remains of grave concern. MONUC is currently investigating serious allegations that at least 27 persons were deliberately killed when CNDP launched attacks on the village of Mashango and surrounding areas in Bukombo *groupement* (Rutshuru territory) between 24 and 28 April. In addition, in the same *groupement*, it is alleged that, since January, the CNDP and, to a lesser extent, PARECO, were responsible for the deliberate killing of more than 100 people. This unfolding crisis has already displaced nearly 65,000 people.

62. The administration of justice throughout the Democratic Republic of the Congo continues to be seriously impeded by interference from political and military authorities; unwillingness to investigate serious violations; and corruption and lack of capacity. In a joint statement, the High Commissioner for Human Rights and my Special Representative have publicly denounced the sentencing to death of three civilians on 21 May and the numerous irregularities of the trial of those charged with the murder of former Radio Okapi journalist, Serge Maheshe. In Bas-Congo, a number of the over 150 BDK members arrested in connection with the events were victims of torture or other forms of cruel and inhuman treatment by security forces. On 22 May, of 22 BDK members tried before the Mbanza Ngungu *Tribunal de Grande Instance*, three were sentenced to death, while four were acquitted and another 15 given prison sentences ranging from 15 to 20 years. Four police officers were prosecuted and found guilty of rape and arson and three FARDC soldiers were arrested for allegedly killing three BDK members. However, to date no other members of the security forces have been charged with the other serious crimes in connection with the Bas-Congo events.

Child protection

63. Following the signature of the *Actes d'engagement*, an increasing number of children have been released from armed groups or have escaped and sought assistance from MONUC military or the FARDC. However, allegations of recruitment by PARECO have been noted since late February in the Grand Nord area of North Kivu and child recruitment by the CNDP has been reported in the Petit-Nord area of the province. FDLR/RUD and a new Mayi-Mayi group in the Rutshuru area of North Kivu have also reportedly engaged in child recruitment. MONUC has launched a campaign to encourage Goma signatories to the *Actes d'engagement* to respect their commitment to release children. Efforts are also under way to ensure the release of children with the armed groups prior to the start of disarmament, demobilization and reintegration activities in the region.

Sexual and gender-based violence

64. Combating sexual and gender-based violence remains a complex challenge in every sector of United Nations activity in the Democratic Republic of the Congo. A Senior Adviser/Coordinator on Sexual Violence has been deployed in MONUC to support and strengthen the United Nations system's efforts, while strengthening the Government's leading role, especially in developing a country-wide plan of action and strategy to combat sexual violence. The Senior Adviser has focused her attention on responding to the urgent need for systematic data collection and analysis, and for comprehensive mapping of initiatives to combat sexual and gender-based violence.

65. While data remain imprecise, there are indications that almost one third of new cases reported through the Joint Initiative (*Initiative Conjointe*) emanate from North Kivu, primarily from internally displaced persons. Increased sexual violence is also reported in South Kivu, linked to growing insecurity in Minova and new population movements. Of note is an overall increase in perpetrators of reported incidents of sexual violence being civilian and minors (under 18), according to reports from the Joint Initiative and the United Nations Children's Fund (UNICEF).

66. Various prevention campaigns have been launched on the Government side. The Minister for Gender, Family and Children has launched a national information campaign on sexual violence in the context of the Joint Initiative, while the Ministers of Defense and the Interior have developed a national plan of action aimed at the army and police to sensitize security forces on sexual violence.

67. Despite increasing national and international awareness and concern over sexual violence in the Democratic Republic of the Congo, perpetrators, especially agents of the State, continue to go largely unpunished. MONUC has registered a disturbing increase of police as perpetrators, especially against women in detention. Most perpetrators, even if identified, are rarely charged and prosecuted. Few police have been tried and there is no evidence of senior officers being prosecuted. Impunity for sexual violence is underlined by continued reports of local authorities either facilitating non-judicial agreements between victims and perpetrators, or directly protecting perpetrators from prosecution.

68. MONUC continues its work with judicial and political authorities to remove obstacles to prosecuting high-level FARDC officers accused of sexual and gender-based violence-related offences. The Mission has designed a road map to be presented to the Ministry of Justice, proposing concrete, short-term measures to progress eradicating the culture of impunity.

X. Observations

69. The resolution of the crisis in the Kivus and the development of legitimate Government institutions are critical benchmarks for the gradual MONUC drawdown. The steady, albeit slow, progress unfolding in this regard is encouraging but should be accelerated. National and Provincial Assemblies are increasingly assuming the responsibilities assigned to them under the Constitution, despite a serious lack of resources and capacity. Local elections are important to further

enhance governance at the provincial and local levels. I call on the national authorities to ensure that these elections are held in a timely manner.

70. Government officials continue to seek solutions to the economic and social difficulties that face the Congolese people. The Government's 2007-2011 Programme and the "*Cinq Chantiers*" continue to serve as a useful approach to development and reform which deserve the support of the international community. Other reforms essential for progress deserve urgent attention, including the establishment of the rule of law and universal access to functioning judicial institutions; intensified efforts to extend State authority and to deliver basic services; and transparency and effective management of natural resources.

71. In the East, the long-term success of the Goma and Nairobi processes will depend on the sustained political engagement of all national stakeholders and the good faith of all parties, as well as the continued support of the Democratic Republic of the Congo's international partners. The structures established under the Amani Programme, in particular the Mixed Technical Commission on Peace and Security and the Humanitarian and Social Subcommission, can serve as essential mechanisms for implementing the *Actes d'engagement*, building confidence among the parties, and addressing the plight of a large number of internally displaced persons and refugees.

72. However, despite considerable effort invested in the Mixed Technical Commission on Peace and Security, the lack of progress on core issues and increased tensions on the ground in recent weeks risk paralysing the Goma process. There is an urgent need for the parties to take concrete and visible action consistent with the spirit of the Goma Conference. While the ceasefire has largely held, recent clashes are a growing source of concern, along with the continued recruitment by armed groups. The next steps will be critical. Complex issues, such as the modalities for disarmament, demobilization and reintegration and *brassage*, which are essential for the disengagement of forces, remain to be decided. In the absence of progress on these key issues, the high level of violence, in particular against women and children, in the areas dominated by armed groups prevents the return of many internally displaced persons to their communities of origin.

73. I strongly urge the Governments of the Democratic Republic of the Congo and Rwanda, as well as the international community, to maintain momentum in implementing the Nairobi Communiqué and the provisions of Security Council resolution 1804 (2008). The outcome of the Kisangani Conference has provided an opportunity for diminishing the threat posed by the FDLR through peaceful means. The early return of Rwandan former combatants to their home country should contribute to the reduction of violence in the Kivus. At the same time, relocation within the Democratic Republic of the Congo of FDLR elements who choose not to repatriate will require careful preparation and close consultation with potential host communities. In the meantime, MONUC will continue to support the Government's efforts to address the issue of FDLR elements that continue to refuse to disarm.

74. The creation of a professional, capable and accountable FARDC remains a critically important goal for establishing security, stability and legitimate State authority in the eastern Democratic Republic of the Congo. An effective FARDC, respectful of human rights and international humanitarian law, is also essential for peace and stability throughout the country. The establishment of a rapid reaction force, as foreseen under the Government's plan for security sector reform, would

help enhance the operational capacity of the FARDC in addressing the threat posed by the armed groups and represents a significant step towards overall reform of the FARDC. I urge the Government and its international partners to recognize the Nairobi and Goma processes and the establishment of a rapid reaction force as mutually reinforcing actions which would allow progress towards the overarching benchmarks set out in my twenty-fourth report.

75. The February-March events in Bas-Congo and their aftermath serve as a reminder of the challenges still faced by the Democratic Republic of the Congo in developing a political culture of dialogue and reconciliation, as well as rule of law. I appeal to all political leaders and their followers to reject violence, and urge the Government to hold accountable any members of the security forces and the BDK responsible for abuse of human rights and the excessive use of force.

76. I am greatly concerned at the growing threat to regional security posed by LRA, which has recently resumed abductions and attacks on civilians along the Democratic Republic of the Congo-Southern Sudan-Central African Republic border areas. The door should remain open for a political solution and I urge LRA to sign the final peace agreement without any further delay. I also welcome the efforts of regional actors to pursue a coordinated approach with regard to the LRA. At the same time, MONUC will continue to work with the Government of the Democratic Republic of the Congo to protect civilians and undertake to contain the LRA in the Garamba Park area within the limits of its present capacities. However, MONUC is severely overstretched and faces growing demands with regard to support for the Nairobi and Goma processes. The Mission would require additional capacity if tasked with further support to FARDC, beyond the current activities envisaged to respond to the threat posed by LRA.

77. To fulfil its mandate, MONUC requires a high degree of mobility and flexibility on the part of its contingents. In accordance with its Chapter VII mandate, MONUC must also be prepared to use appropriate force in accordance with the Rules of Engagement, both to protect civilians and to support the Nairobi and Goma processes, including through jointly planned military operations with the FARDC in accordance with its mandate. As described in paragraphs 35 and 36, the actions in support of FARDC set out in my third special report remain fully applicable to the current situation in the Democratic Republic of the Congo. However, use of force is not without risk, either to peacekeepers or to civilians. It is critical to recognize the threat of retaliation against civilians by FDLR or other armed groups, despite the best efforts of MONUC.

78. In its resolution 1794 (2007), the Security Council requested a comprehensive strategy for combating sexual and gender-based violence in the Democratic Republic of the Congo. MONUC and the United Nations entities operating in the Democratic Republic of the Congo continued to face challenges in developing such a strategy due to the scope and complexity of the problem as well as the number and range of initiatives by the Government of the Democratic Republic of the Congo civil society, and the international community. Ongoing efforts to strengthen the judiciary also need to be intensified to put an end to the culture of impunity. MONUC and the Secretariat have intensified consultations with the Government of the Democratic Republic of the Congo, donors and other United Nations entities to arrive at a comprehensive approach that includes both immediate and long-term actions, and that reinforces Congolese ownership and capacity for sustained action. I

welcome the Government's expressed commitment to address the scourge of sexual and gender-based violence with the utmost seriousness it deserves and urge Congolese authorities to take effective action, in accordance with due process and rule of law, to hold perpetrators accountable.

79. The people of the Democratic Republic of the Congo and the international community deserve the highest standards of conduct from MONUC civilian and military peacekeepers. The United Nations is committed to making every effort to maintain the respect and trust of the people it serves in the Democratic Republic of the Congo. To this end, my Special Representative has decided to seek the advice of an independent, high-level panel of experts on how MONUC can further strengthen its efforts to prevent misconduct by its personnel and to ensure that those responsible for unacceptable behaviour are held accountable. The panel will include both Congolese and international members.

80. I would like to thank my Special Representative, Alan Doss, for his efforts in accompanying the Democratic Republic of the Congo in the consolidation of peace, as well as the international and national staff members of MONUC and the United Nations country team. My continued appreciation also goes to the countries contributing police and troops to MONUC, and to their uniformed personnel, as well as to donor countries and multilateral and non-governmental organizations that provide the support needed to sustain progress in the Democratic Republic of the Congo.

Map No. 4121 Rev. 37 UNITED NATIONS
June 2008

Department of Field Support
Cartographic Section